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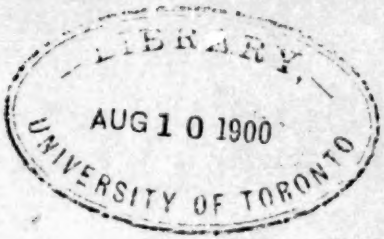

Adam Thom, LL. D.

1802-1890.

ADAM THOM, LL.D.

FIRST RECORDER OF RUPERT'S LAND,

Born, April 31st. 1802. Died Feb. 21st, 1890.

ADAM THOM.

THE 21st day of February, 1890, is a date of exceptional significance in the legal history of Western Canada. On that day, at the advanced age of eighty-seven, in Torrington Square, London, died Adam Thom, LL.D., the first Recorder of Rupert's Land, and the father of the Bench and Bar of Western Canada. He was born in Brechin, and educated at King's College, Aberdeen, whence he graduated M.A. in 1824. About the year 1832, he emigrated to Canada, and in 1833 established and was first editor of the *Settler*. He was subsequently editor of the Montreal *Herald* in 1836-38, read law in Montreal with Mr. James Charles Grant, and was called to the bar of Lower Canada in 1837. The celebrated report of the Earl of Durham, on the state of British North America, was drawn up by Mr. Charles Buller, with the assistance of Mr. Thom. In fact according to the Law Times of March 1st, 1890, Mr. Thom was considered to be the chief author of the report. Under the *nom de plume* of "Camillus," he wrote, in 1836, the memorable "Anti-Gallic Letters," addressed to the Earl of Gosford, Governor-in-Chief of the Canadas.

Some few years after the establishment of the Governor and Council of Assiniboia, it became apparent to the Hudson Bay Company, that judicial procedure should be instituted in Rupert's Land, on a more substantial basis, and in a more efficient manner, than had been the case in the past. Accordingly, the General Quarterly Courts were formally established in 1839, and Mr. Thom arrived in the spring of that year at Red River, and entered upon his duties as Recorder of Rupert's Land, with a salary attached to the office of £700 per annum. In addition to the Recordership, he was the legal adviser to the Governor of Assiniboia, who was instructed to be guided by Mr. Thom's advice in in matters of law. He was also senior member of the Governor's Council, and, as such, virtually presided at the general court. The difficulties of his position were many and of no trifling nature. The settlers persisted, and perhaps they might be excused for doing so, in looking upon him, as not only the Recorder, but the paid servant of the Hudson Bay Company; and while none ventured to impeach his uprightness and integrity, yet they maintained that, be he never so impartial, his interest being inseparable from that of the company, he could not be completely unbiased in his holdings. Be this as it may, there can be no doubt that he conscientiously discharged his duties in a manner that could scarcely be more satisfactory under the existing circumstances, which required no little degree of tact Events progressed with as little friction as could be expected, till the famous trial of Guillaume Sayer, who in 1849 was charged with trading furs with the Indians. The display of armed force by the French half-breeds during the trial, and the demonstration

which took place after it, brought matters to such a crisis that, in orde
avoid a collision, Mr. Thom retired from the bench till some time in 1850.
the space of about a year justice was administered by Major Caldwell
Governor of Assiniboia. A very complicated case of great importance—
v. Pelly—having arisen, Mr. Thom again resumed his office for the purpo
the trial. The Government, however, disagreeing with Mr. Thom on his
ing, probably because he would not find as the Governor wanted, man
either to secure his permanent removal or to force him to resign. He then
1854—about four years—acted as clerk of the court over which he had for
ly presided, and with the same salary. In the beginning of September of
year, he left Red River with his wife and son and returned to Scotland, sa
from York Factory on the 18th of October by H. B. ship *Prince of Wales.*
1856 he received the honorary degree of LL.D from his old University.
busy life did not prevent his retaining an interest in his former literary ca
or from pursuing his studies, for in 1848 he published a work entitled
Chronology of Prophecy." It will not be out of place to make a few ext
from contemporary writers and travellers in regard to him. Major J. W
Bond† who visited Red River, speaks of him as "a very leading man,"
was "very active, energetic and possessed of considerable talent." Bi
Mountain‡ found him "an exceedingly able man, possessing a varied rang
information, and deeply engaged, latterly, in biblical studies." Alex. R
who considered the appointment of a Recorder rather in the light of a
take, and was sometimes opposed to Mr. Thom, yet states tha the was a
of talent and high attainment in his profession."§ The Rev. John Ry
says that he was "a gentleman of learning and superior ability in the
profession." Hargrave thus feelingly refers to him: "I cannot close this
sory glance at the official career of the pioneer of the law in the Red
Settlement without stating that at the close of his long and often unquie
journ of fifteen years in this singularly situated place, he left behind hi
reputation of great ability, and of kindly hospitality in his private rela
among those of his acquaintances best able to appreciate the former, and
had shared in the latter." Mr. Thom is principally known to the legal
fession by his careful and elaborate judgment on the jurisdiction and p
of the Hudson Bay Company, delivered in the celebrated case of James Ca
on the 17th of August, 1848, contained in one of the old record books o
Quarterly Court. This judgment is of much value, and is entitled to
weighty consideration than it has so far received; doubtless the fact
never having been printed is mainly responsible for this Quite irrespecti
the merits of Mr Thom, an especial interest attaches to him because o
having been the first lawyer in Rupert's Land, and of the unique positi
occupied. A halo of romance is thrown around his name, when we pau

*Hargrave's *Red River*, pp. 90. Ryerson's *Hudson Bay*, pp. 62, 106 *et seq*
†*Minnesota and its Resources* *V.* appendix *Camp Fire Sketches.*
‡*Journal of the Bishop of Montreal*, pp. 82.
††*Red River Settlement*, pp. 224.
§*Hudson Bay*, pp. 63.

think of the vast extent of his jurisdiction, and the wild and peculiar people over whom that jurisdiction was exercised, and that to the extent of capital punishment. How wonderful the change since then! Mr. Thom had been for so many years a stranger to this country, that his name was but rarely mentioned, even in legal circles, and most of those who thought of him regarded him as no longer among the living. None the less is he entitled to a prominent place in the early history of Rupert's Land, whose best interests he faithfully strove to serve. The members of the bar of Western Canada may congratulate themselves that they have Mr Thom as their precursor; and it is no disparagement to the Bench to say, that his life will bear favorable comparison with any judge who has succeeded him.—Western Law Times, May, 1890.

In the winter of 1882, while staying in London, which the subject of this sketch used facetiously to call "the wen of the world," the writer often met a retired old gentleman frequently known as "Judge Thom," who had more than 40 years before made his entree to Red River Settlement as first Recorder of Rupert's Land. At the time of meeting in London, the judge had entered his eightieth year. He was tall, and, though walking with a slight stoop, was of commanding presence. He was what people usually call a man of marked individuality His opinions were all formed; he had views on any matter that came up for discussion; and was very fond of a talk with a passing friend. In conversation with the old gentleman, it would be at once noticed that he had a large fund of information, and to any visitor from Manitoba it was surprising to see how the lapse of 30 years' absence from the country had not effaced a line from memory in regard to the affairs of all the families of that time resident in Red River. In fact, Judge Thom had a marvellous mind for details. Some would no doubt have called him loquacious, but to most he was a very interesting man. Dr. Thom's Aberdonian accent had not been greatly softened by his colonial residence, nor by his subsequent sojourn in London. In speech and ideas the judge was a strong man, and it will be our pleasing duty this evening to have the outlines of his somewhat eventful life, which ended a little more than two months ago.

Adam Thom was born in Brechin, Forfarshire, on the 31st August, 1802, and had the remembrance to the last of having seen, in his third year, the great rejoicing that took place after Nelson's great victory at the battle of Trafalgar, October 21st, 1805. In the year 1819, young Thom entered King's College, Aberdeen, where he was a successful student‖ and graduated in 1824

‖ The following are a list of his prizes during his University career:

2nd	prize for	Latin, April, 1820.	1st	prize for	Nat. Phllosophy, Ap 1822.
1st	"	Greek, April, 1820.	2nd	"	Greek, April, 1822.
1st	"	Nat. Philosophy, Ap. 1821.	Prize for		Latin, April, 1822.
1st	"	Latin, April, 1821.	1st	prize for	Moral Philosophy, Ap '23
3rd	"	Greek, April, 1821.	1st	prize for	Greek, April, 1823.
			Prize for		Latin, April, 1823.

with the degree of Master of Arts. It was in the second year of his co
Aberdeen that he met with one who, far away on the plains of Rupert's
was to be his intimate friend and companion, whom indeed he was to c
"alter ego" This was John McCallum, of whom we shall speak more
and who it will be remembered founded the school, which became in ti
John's College in this city. Scotland was then, as now, sending up its
men to the great metropolis, which contains more Scotchmen than Edi
and in 1825 both Thom and his fellow student McCallum found them
earning their bread there as classical masters in schools at Woolwi
Blackheath respectively.

About this time, a great outflow of the British people was taking pl
the New World. In the year 1831, upwards of 30,000 people left the
Isles for Canada. Over pressure of population and political discontent w
doubt the chief factors in this great emigration. In the following year,
ular movement to Canada was headed in the south of England by Lord
mont, and three ships carried the Sussex colony to the St. Lawrence
enterprising mind of young Thom the opportunities said to be afforded b
ada were a great attraction, and so taking the last ship of the season
the *Rosalind*, from London, after a rough passage, the vessel running ag
at Anticosti in the St. Lawrence, the young adventurer reached Mo
Carried away by the New World fever in the following year, his friend
Callum also accepted the task, under the patronage of the Rev. David
the Hudson Bay Chaplain at Red River, of founding a boarding school f
children of the Hudson Bay company officers and others at the headqu
of the company; and sailed by the company's ship early in 1833 to co
way of Hudson Bay, to the scene of his future labors. Young Thom
lished in Montreal a paper called *The Settler*, of which he was the chief
and principal contributor, aided by some members of the "Beefsteak
which then existed there, of which the late James Charles Grant was on
also entered on the study of law in Montreal, and with such diligence
having his time shortened by one year because of his degrees, he was ad
to the bar of Lower Canada in the year 1837.

To any of Mr. Thom's friends it was evident that there was in him
end of his life a strange restlessness of disposition. It agrees completel
this that he should not have settled down to the routine of a lawyer's life.
disposition led him to take great interest in public affairs. He was in
characteristics something of an independent thinker, and yet his concl
were usually rather staid and ordinary. His mental bias was evidentl
of a radical, while his social disposition led him to somewhat cling to
ing ideas and customs. In method, he was a radical; in fact, he wa
servative. It will be necessary to bear in mind this somewhat striking
moniousmess, in order to understand some of the episodes of his life. Aff
Montreal at this time were in a strained condition. It was shortly befo
rebellion of 1837. The British colony in Lower Canada held the reins of
the French Canadians were in a highly dissatisfied state. Louis Papinea
stirring up his French compatriots. In his seditious career he came out

or Republican principles. "The time had gone by," said Papineau, "when Europe could give monarchs to America. The epoch is approaching when America will give republics to Europe." Now Adam Thom, though, no doubt sympathising with the just claim of the French Canadians for self government, was intensely British in feeling, and therefore entered with great ardour into the discussions then going on. Well educated, fond of society, which in Montreal was entirely under the control of the ruling powers, and with his career to make, the young lawyer threw himself into the wordy warfare, and wrote the Anti-Gallic Letters, signed "Camillus," remembered for many a day for their anti-French fervor and power; and also those signed "Anti-Bureaucrat," criticising the petition of the revolutionists of Lower Canada, presented to the British House of Commons; both of which series of letters were afterwards published in separate form. For a time he occupied the position of editor of the leading English journal of Lower Canada, the Montreal *Herald*. His prominence as a publicist naturally drew to him the attention of the Earl of Durham, who arrived in Canada on his mission of pacification on May 29th, 1838. This brilliant nobleman, whose manliness and earnestness in assailing the existing abuses in Canada called forth from a French-Canadian writer the acknowledgement that "he was one of the truest friends misruled Canada ever had," and who did more for Canada in the short six months of his stay in the New World than any other Governor-General in his full term, had the faculty of associating with himself men of the greatest ability. As to the great report, which was, at the time, described "as one of the ablest and most important state papers of this age," "Justin McCarthy says of him in his "History of our Own Times," "His policy for the Canadas was a great success. It established the principles of a colonial government." With him on his staff Lord Durham had brought over, as secretaries and assistants, three men of exceptional ability—Mr. Charles Buller (afterwards the Right Hon. Charles Buller, member of the British House of Commons); the brilliant though somewhat wayward Edward Gibbon Wakefield; and Thomas Turton, a very clever barrister. To this group of able assistants the young lawyer, Adam Thom, was added, and in the train of the great Liberal Statesman he returned to Great Britain in the autumn of 1838, where he spent the winter in London.

In 1835 the Hudson's Bay Company received back from the Earl of Selkirk's heirs the transfer of the District of Assiniboine, which had been sold to the Earl in 1811. As the population of the Settlement had grown by this time to about 5,000 souls, it was deemed wise to have established some simple form of legal institutions. A council of fifteen members appointed by the Hudson Bay Company met at Fort Garry on the 12th of February of that year, and passed certain ordinances. Among these was one dividing the settlement into four districts, and establishing a quarterly court in each of these competent to deal with small amounts. Each of these courts was empowered to refer any case of doubt or difficulty to the Court of Governor and Council of Assiniboine, as the red River Legislature and Judicial body was called. The establishment of a court of Appeal, such as had been decided on, and the fact that the Governor of the Colony was sometimes a trader and at other times a military officer, led the Company to consider the necessity of appointing a trained lawyer to adju-

dicate in such cases as might arise, and to give legal advice to the Company in its complicated business. Alexander Ross argues at some length against the need of this, but his reasons show he had little comprehension of the principles on which alone communities can advance. Sir George Simpson had met the young lawyer and political writer in Montreal, and offered Mr. Thom, on the completion of his engagement with Lord Durham, the new judgeship then decided on; and, accordingly, the first Recorder of Rupert's Land, or he is also called the President of the Red River Court, left England, came by way of New York, and reached Fort Garry in the spring of 1839 Sir George Simpson was credited with great shrewdness in making the appointments for the Hudson Bay Company. It is evident from the very considerable salary—£700 sterling a year—paid the new judge at a time when incomes were ridiculously low on Red River, as well as from the unanimous opinions of Ross, Bishop Mountain, Rev. John Ryerson, and James Hargrave, the historian of the Hudson Bay Company, that Adam Thom was a man of decided ability, upright character and very extensive reading It would seem to one now that a lawyer who had practised longer at the bar, and who had not been so pronounced as a publicist in Montreal, would have made a more impartial judge; but the fact that for ten years he administered law in the courts without complaint, would seem to show that the troubles, which arose in the later years of his judgeship, arose rather from the inevitable conflict between the Company and the people than from any fault of his.

We turn aside, for a little, to look at the career of Mr. Thom's college friend, John McCallum, who, as we have seen, came in 1833 to Red River, to establish what to-day has become St. John's College, with its affiliated schools; and it may be premised that in him we have one of the truest and most practical men of the old Red River Settlement. With the aid of his superior, Rev. Mr. Jones, buildings were erected between the southwest corner of the present St. John's churchyard and the river bank. In the year 1836, Mr. McCallum married the daughter of Chief Factor Charles, of the H.B. Co. The school steadily grew, and five years after its founding, Rev. Mr. Jones returned to England. Mr. McCallum then became head of the institution, so that, when the old friends from Aberdeen met at Red River, the one, Judge Thom, was the head of the legal, the other, McCallum, of the educational interests of the wide extent of Rupert's Land. Originally, the boarding school had been begun under the auspices of the Church Missionary Society, but at the time of the visit to Red River, in 1844, of Dr. Mountain, Bishop of Montreal, a change had taken place, for he says, "It is now conducted by Mr. McCallum on his own accouut with the help of an allowance from the company. It is really a nice establishment, and the premises attached to it have more neatness and finish than is common in young and remote settlements. The youths have a separate garden for their own amusement." Mr. McCallum had by his patience and industry taken such a hold on the community, that on the visit of the Bishop of Montreal it was deemed advisable to ordain him, which event took place on on the 7th of July, 1844. Mr. McCallum's duties not only included the school but for the next three years the incumbency of the parish church, which then reckoned amongst its hearers all the people of Kildonan. Judge Thom had for

several years taken up his abode at Lower Fort Garry. In the year 1846, the British Government, being in the midst of the contention with the United States over the Oregon question and probably on account the enforcement of the Company's claims, thought it wise to send out the 6th Royal regiment to Red River. The Lower Fort being required for the troops, Judge Thom was compelled to seek quarters elsewhere, and seems to have lived, for a year, three or four miles to the north of the fort. In 1847, he purchased the house, then just built by Chief Factor Charles, now known as Bishop's Court, the seat of the Metropolitan of Rupert's Land. Judge Thom refers with peculiar pleasure to the changes which had made him "door neighbor" to his old friend McCallum, "with nothing but a paddock between." The school was now at its height for there were in it more than fifty paying pupils, including girls. From it came A. K. Isbister, one of the most distinguished men born in Rupert's Land, and to the "McCallum school" members of the older generation of Red River settlers look back with fond affection. Sad indeed was it for education and religion on Red River that Mr. McCallum died in 1849. Judge Thom became his executor, and Bishop Anderson, the first bishop of Rupert's Land, arrived just in time to perform the funeral services of the worthy teacher.

On Mr. McCallum's death, the school immediately began to decline. Bishop Anderson was so busy with the other duties of his office, that the institution was suffered to languish. In 1855, a reorganization was attempted, a number of the leading people of the country were formed into a college board, the name of St. John's College was chosen, and the coat of arms, with the beautiful motto, "In Thy Light shall we see Light," adopted. In three or four years, the want of success compelled the closing of the college. In 1865 the present Bishop of Rupert's Land arrived at Red River. The McCallum school buildings had become a ruin. On his leaving on his first journey in his diocese, the bishop gave orders that they should be pulled down. This was partially done, but the central building was thought good enough to be preserved. It was accordingly spared, and those who have come to Manitoba even in recent years may remember the house occupied by the Rev. Samuel Pritchard—the remnant of the McCallum buildings. Bishop Machray refounded St. John's College in 1866, from which time it has had an ever increasing and prosperous existence. In memory of Mr. McCallum, his widow and daughter presented at various times to St. John's College an excellent anemometer a good microscope and other instruments, etc. Judge Thom always took a deep interest in St. John's College, being one of its honorary fellows; and was also a benefactor of the Manitoba (Presbyterian) College.

From his high position and public sympathies, Judge Thom became a most influential man in the Red River Settlement. He had a marvellous gift of languages. He was exceedingly approachable, and his ardent temperament led him to do all sorts of kind services for those who sought his assistance. When the Bishopric of Rupert's Land was founded he became the Registrar; when the Kildonan church wanted a deed, he drew it up, and made it so firm in its provisions that when changes were necessary a few years ago in the ten-

ure they were very difficult to make. Though the agent of the Hudson Bay Company, and therefore bound to carry out the policy of the Company, as to not encouraging the entrance of too many religious bodies on Red River, he is said to have had a hand at the same time in framing the petitions forwarded to London by the Presbyterians of Kildonan. The Rev. John Ryerson, on his visit to Red River in 1854, tells of his going down to Kildonan to hear a lecture from Judge Thom "On the state and progress of the Red River Settlement," and the hearer says that the subject was treated "with great eloquence, beauty and ability." In the Council held at Fort Garry, the judge was a leading spirit; and we are told that by the people generally "his influence was regarded as disproportionately great." The Council being looked upon as the instrument of the Hudson's Bay Company, it is quite evident that his being a ruling influence in that body would subject him to severe criticism by the people, and that to a certain extent his influence as a Judge would be lost. As already stated, the relations of the settlers on the Red River to the Hudson Bay Company had become very unsatisfactory. The Company, by their charter, no doubt had a monopoly of the fur trade. But the mass of the people being hunters, and finding it difficult to gain a living otherwise, hardly recognized this—and indeed the Company had not enforced their claim. For some reason, according to some, on Judge Thom's advice—it was decided to enforce the right of Company. Accordingly, in 1844, Governor Christie issued two proclamations, one of them requiring each settler, before the Company would carry any goods for him, to make a declaration that for the past winter he had not, directly or indirectly, engaged in the fur trade; the other proclamation required the writer of any letter, which was sent by post to write his name on the outside, and should he not have made the declaration required as to trading in furs, then his letter must be deposited in the office, open, to be examined before being sent. These were tyrannical and severe enactments. Cases are cited in which settlers, traders and even missionaries, were caused much inconvenience and loss by these stringent regulations. The governor and the legal adviser, Judge Thom, naturally received the greater part of popular disapproval. The French half-breeds took the lead in the agitation against the Company. A strange story is related as to the way in which the English half-breeds who had hitherto supported the claim of the Company, came to throw in their lot with their French fellow-countrymen. A company officer had left his two daughters at Fort Garry to be educated. One of them was the object of the affection of a young Scotch half-breed, and at the same time of a young Highlander. The young lady is said to have preferred the Metis, but the fond parent favored the young Highlander The Scotchman, fortified by the father's approval, proceeded to upbraid the Metis for his temerity in aspiring to the hand of one so high in society as the lady. As love ruined Troy, so it is said this affair joined French and English half-breeds in a union to defeat the Company.

During the five years after the publication of the proclamation, a constant agitation was going on among the French. The leader of this uproar bore a name better known to the present generation as that of his son, Louis Riel. Riel, the elder, was born at Isle a la Crosse, and was the son of a French-Ca-

nadian father and a French half-breed mother. He was educated in Lower-Canada, came to the Northwest to enter the service of the Company, and was for two years a novice in the Oblate order. He afterwards built a water mill on the Seine, three or four miles from St. Boniface, made a canal nine miles long to feed it, and was married to one of the well-known Lagimodiere family, and from this union sprang Louis Riel of rebellion notoriety. The miller of the Seine was a very capable man; had a great power over his fellow-countrymen, and was a born agitator. When popular feeling had been thoroughly roused, it happened that in 1849 Guillaume Sayer, a French half-breed trader, bought goods, intending to go on a trading expedition to Lake Manitoba. It was determined to arrest Sayer and three of his associates. This was done, but Sayer alone was kept in prison.

As the day of the trial drew near, the excitement grew intense. Governor Caldwell was known to be obstinate. Judge Thom, it was remembered, had written the famous "Anti-Gallic letter" in Montreal; he was, moreover, said to be the director of the policy of restriction, and a strong Company man. The day of trial had been fixed for Ascension day, May 17th, and this was taken as a religious affront by the French. The court was to meet in the morning. On the day of the trial, hundreds of French Metis, armed, came from all the settlements to St. Boniface church, and, leaving their guns at the door of the church, entered for service. At the close, they gathered together, and were addressed in a fiery oration by Louis Riel. A fellow-countryman writing of the matter says: "Louis Riel obtained a veritable triumph on that occasion, and long and loud the hurrahs were repeated by the echoes of the Red River." Crossing by way of Point Douglas, the Metis surrounded the unguarded court house at Fort Garry. The governor and Judge arrived and took their seats at eleven o'clock. A curious scene then ensued, the magistrates protesting against the violence, Reil in loud tones declaring that they would give the tribunal one hour, and that if justice was not done, then they would do it themselves An altercation then took place between Judge Thom aud Riel, and with his loud declaration: "*Et je declare que dis ce moment Sayer est libre*" —— drowned by the shouts of the Metis, the trial was over, and Sayer and his fellow prisoners betook themselves to freedom while the departing Metis cried out: "*Le commerce est libre! le commerce est libre! vive la libre!*" This crisis was a serious one. Judge Thom, at the suggestion of Sir George Simpson, did not take his place on the bench for a year, though he still held his position and his emoluments. It was the end of the attempt of the Company to enforce its distasteful monopoly

The constitution of the Court at Fort Garry made it quite possible for the Recorder to absent himself, and for the Governor and associated magistrates to carry on the business. About a year after the Sayer affair, a very complicated case arose in which what would be called the leaders of society at Fort Garry were involved. It was a quarrel of Company officials, Capt. Foss, staff officer of the pensioners, brought an action for defamation of character against Trader Pelly and his wife and two other persons for connecting his name dishonorably with the family of the gentleman in charge of Fort Garry.

Governor Simpson and Judge Thom examined into the case privately, and on the occasion of the trial Judge Thom took his seat again as Recorder, though apparently much to the displeasure of Governor Caldwell. After this, for a year, with the approval of Simpson, the Recorder did not sit. Records of other cases than those mentioned are found to-day in proceedings. Up to the year 1848 the work done by Judge Thom seems to have been very satisfactory and efficient. Col. Crofton testified that in 1847 the legal business was done in a perfectly smooth and successful manner. In 1848, Judge Thom delivered judgment on the Calder case, involving the jurisdiction of the Hudson's Bay Company, and that has been quoted with approval as an important opinion in the Supreme Court of Canada by a prominent Q C. of this city.

Fifteen years of service in the remote and isolated settlement of Red River had enabled the Recorder to accumulate a handsome competence His friend McCallum was dead, and the troubles between the Company and the people made it disagreeable for the well abused judge to remain in his New World sphere. He accordingly resigned, and returning by way of York Factory sailed from that port in the Company's ship, "The Prince of Wales," on the 20th of September, 1854, with his wife and son. On the vessel was the Arctic explorer, Dr. Rae, who had just found the first traces of Sir John Franklin; and also the Rev. John Ryerson, who has left a written account of the voyage, which proved to be tedious and dangerous, taking nearly six weeks to London. In the second year after his return, Judge Thom received the honorary degree of L.L.D., from his own University at Aberdeen, in recognition of his attainments; and on the granting of a constitution for a university of Manitoba, in 1877, he was nominated one of the first six Honorary Fellows of St. John's College, He lived at Edinburgh in what might seem to be his declining years, but removed to London in 1870, and took up his abode in his well known residence, 49 Torrington Square, a score of years longer. The family of his departed friend were a constant care to him. For them he always showed a passionate regard.

The Bishop of Montreal, on his visit to Fort Garry, in 1844, mentions that at that time Recorder Thom "was deeply engaged latterly in Biblical studies." In 1821, at Aberdeen he had joined the Hebrew class. But like numbers of great students he had become involved in the seemingly hopeless mazes of the interpretation of the prophecies of Scripture. In 1847, he completed for publication his work, entitled "The Chronology of Prophecy," on the typical character of what he calls "Abraham's 430 years." An active mind like that of Judge Thom must have something on which to work. In not having enough to fill up his time and utilize his energies, he must have some abstruse line of study. His mind seems to have had a bent towards mathematics, and his inclination and probably early training led him to a minute study of the Bible, even in the original tongues. As showing his bent toward figures, the writer remembers Judge Thom saying that he never got into a London omnibus —many of whose figures run up into the thousands — without resolving the number into its factors, and combining them in every possible manner. Nothing delighted him so much as to get an appreciative listener, and to refer

for an hour at a time to the marvellous events of history, and to show that they were not isolated, but were part of a great system of development.

In summing up the life of the first Judge of Rupert's Land, it is evident we are dealing with a man of great activity and capacity. He was perfectly at home in the Greek and Latin classics; he was a Hebrew scholar and well- acquainted with our own literature. He was well versed in law, and gave his opinions with fullness and decision. An active newspaper writer in his earlier days, he always maintained a lively interest in public affairs. It was his misfortune to be ousted between the two strong forces of a great trading company's interest, and the natural aspirations of a people after freedom. No doubt this wounded his proud spirit deeply, and prevented him from ever visiting the Red River again as he would have liked to have done. He was no trimmer; he was not even politic. He had strength of feeling and tenacity of purpose Though somewhat difficult to work with, yet he was open and at heart kind and considerate. Passing away as he did on the 21st of February of this year (1890), in his eighty-eighth year, in a quiet old age, we may well drop a sympathetic tear to the memory of the honest old warrior.—*From the Records of the Historical and Scientific Society of Manitoba (1890.)*

P.S.—In our former sketch of the life of this very able man, so inseparably connected with the early history of this country, we expressed a desire to obtain his portrait. We have, we are very glad to say, been able at last to do so, and have had the same reproduced for the benefit of the profession and the public. We can inform our readers that the likeness is a faithful one, chosen for that special reason, and is taken from an amateur photograph of Dr. Thom when "at ease" in his sitting room, and in his 72nd year.—*Western Law Times.*

OLD TIMES.

The following appeared in the Fergus *News-Record*, to which the late Mr. A. Dingwall Fordyce contributed articles on "Old time Incidents in Fergus," with allusions to various families and persons who lived there. Among them is the following reference to the late Mr. John Tullideph Thom:—

"An unexpected concurrence of circumstances has given me the opportunity of saying something of this family, beyond what was shown previously in connection with these *Old Times* incidents. They did not remain more than a few months in Fergus, but moved at once to Cleveland, Ohio, where Mr. Thom died in less than a year, on 14th of July, 1849. They had returned to Canada on the husband and father's death. A son of a former marriage, whose mother, I believe, died in 1835 at Lockport, has now, I understand, an appointment in the Government dockyard in San Francisco. In connection with the foregoing statement a passing word is due to an elder brother of Mr. John T. Thom—the more especially as they were referred to as cousins of the late Hon. Adam Fergusson, a fact which no doubt had led the younger to contemplate establishing

himself in business in Fergus. They would not unnaturally be called cousins of Mr. Fergusson. although there was no actual blood relationship An aunt of Mr. Fergusson's had been the first wife of the Rev. Dr. Bisset, for forty years minister of Logie Rait, Perthshire, whose second wife (a daughter of the Rev. T. Tullideph, Principal, for nearly forty years, of St. Andrew's University, Scotland, and also one of the Royal Chaplains for fifteen years before his death in 1777, was the maternal grandmother of the brothers Adam and John T. Thom. The uncle by marriage of these two, and the full cousin of the Hon. Adam Fergusson, was Robert Bisset, LL D., known in his day as the author of several historical works. Adam Thom, LL.D., the elder brother, died in Feb. 1890, in London, England, at the age of 87. He was a man of much ability, energy and independence of mind, accompanied by purity of motive in all relations, public or private. At his death he was Father of the Bench and Bar in Western Canada. For sixteen years he was Judge of Rupert's Land, from which he retired in 1855, when he left Canada for his native land. He promoted every effort to advance the cause of education and morality in his adopted country while he remained. He was, besides, a student of Hebrew, and in 1848 published a work entitled the "Chronology of Prophecy," and he was very highly and universally respected. This at least may be either gathered or inferred from a short memoir which appeared in the *Western Law Times*, and which also contains several interesting and well considered charges addressed to Grand Juries on some important trials during his official life."

The Rev. Thomas Bisset's first wife was Ann, daughter of the Rev. Adam Fergusson, minister of Moulin, and Moderator of the General Assembly of the Kirk of Scotland in 1772, by Amelia, daughter of Captain James Menzies, of Comry, and niece of Sir Robert Menzies, of Weem, Bart., and of John, first Earl of Breadalbane Mrs. Bisset's brother was Neil Fergusson, of Pitcullo, Sheriff Depute of Fife, who, by his wife Agnes, daughter of Sir George Colquohoun, Bart., had a son, the Honorable Adam Fergusson, of Woodhill, Upper Canada, Member of the Legislative Council of Upper Canada, and one of the founders of Fergus, Ont.

JAMES BISSET, Clerk of the Regality Court of Athol, about 1720, had three sons:—

I.—Thomas Bisset, of Glenalbert.

II.—Patrick Bisset.

III.—Rev. Robert Bisset.

I.—Thomas Bisset, of Glenalbert, near Dunkeld, Perthshire, first ("old") Commissary of Dunkeld, and Baron Baillie to the Duke of Athol. He married, the 31st of May, 1713, Margaret, daughter of Alexander Stewart, second son of Patrick Stewart, of Ballechin, in the parish of Logierait,

Perthshire (grandson of Sir James Stewart, of Ballechin, by Marie, sister of the "admirable" Chrichton), and died in Feb. 1774, leaving:—

1. James Bisset, the "young" Commissary.

2. Charles Bisset, M.D., born at Glenalbert, 1717, author of a "Narrative of Experiments on a Chalybeate Spring at Knayton." Died at Knayton, near Thirsk, Yorkshire, in 1791, leaving two daughters, Penelope, married to Rev. Dr. Addison, Thirsk; and ————, married to William Walker, Thirsk.

3. Thomas Bisset, born June 1722. left (1) Thomas; (2) Charles; (3) Rear Admiral James Bisset, R.N., born 1760, died at Edinburgh, 1824.

4. Robert Bisset, born July, 1729. Captain 51st Foot; Commissary-general in the army; aide-de-camp to General Lord George Sackville at the battle of Minden. He died on May 27, 1811, at Great Pulteney street, London, leaving a son Robert, Major 42nd Regt.; killed in Egypt; d. s. p.

5. David Bisset, d. s. p.

6. Margaret Bisset, married 1st, Mr. Dick, and had a daughter married to the Hon. Mr. Maitland. 2ndly, ——— Duncan, of Tippermalloch, and had a daughter Bessie, married to ——— Fleming, of Moness.

7. ——— Bisset, married to Robert Stewart, in Strath Tay.

II. Patrick Bisset, a farmer in Logierait, Perthshire, had:—

1. Thomas Bisset, second Commissary of Dunkeld; born 1722; married Mrs. Janet Mack, and died in 1788, leaving:—(1) John Bisset, Major 9th Foot, died 1814, leaving:—John James Patrick Bisset, Lieut. R. M. A., killed in action at the seige of Algiers, under Lord Exmouth, in 1816; Daniel Bisset, Colonel R. Art.; Caroline Bisset, married to John Mackenzie, Lieut. 1st W. I. Regt., by whom she had Rev. John George Delhoste Mackenzie, M.A., Incumbent of St. Paul's Church, Yorkville, and afterwards Inspector of Grammar Schools for the Province of Ontario. (Among his children are Geo. A. McKenzie, barrister, Toronto; Ernest Mackenzie, and J. B. Mackenzie, author of "The Six Indian Nations in Canada," etc. (2) Thomas Bisset; (3) Jean, married Dec 30, 1787, Alexander Stewart, of Bonskied.

2. Patrick Bisset, merchant in Perth. He had (1) Sir John Bisset, K. C. H., K. C B., of Rickup, near Dunkeld, Commissary of the Forces during the Peninsular War. Died in Perth 1854. (2) James Bisset, in the army. (3) Thomas Bisset, of Demerara. (4) Patrick Bisset, a lawyer in Dunkeld; for twenty years clerk of the ancient commissariat of Dunkeld, and afterwards for 31 years clerk of the Commissariat of Perthshire. Born 1779 at Dunkeld, died unmarried in 1855. (5) Helen. (6) Marjory. (7) Isobel. (8) Elizabeth. (9) Margaret, married to David Ford, and had a daughter married to Mr. Dougall, whose daughter married the Rev. J. Howell a Congregational minister.

3. Margaret Bisset married — Campbell.

4. Mary Bisset married — Blackie, Aberdeen.

5. Isobel Bisset married — Thomas.

6. Jean Bisset married — Duff.

III. Rev. Robert Bisset, born 1696. A. M., St. Andrew's University, 1718. Minister of Kirkmichael 1720-25, of Blair Athol 1725-39. He married Elizabeth Crichton, and dying in Feb. 1739, left :

1. Rev. Thomas Bisset, born 1731, A. M., St. Andrew's University 1750, D.D. 1787. Minister of Logierait, Perthshire, 1754-1800. He published a volume of sermons which have been described as "practical and useful,"and also translated Mylius' "History of the Bishops of Dunkeld. He died in October, 1800. He married, first, in April, 1758, Ann Fergusson (died June 8, 1759) daughter of Rev Adam Fergusson, Minister of Moulin, and Moderator of the general Assembly of the Kirk of Scotland in 1772, and sister of Neil Fergusson, of Pitcullo, Sheriff Depute of Fifeshire (father of Hon. Adam Fergusson, of Woodhill, Upper Canada, Member of the Legislative Council of Upper Canada, who died in 1862), and had by her:—(1) Robert Bisset, LL.D., Edinburgh University, author of The Life of Edmund Burke, The Reign of George III., A Sketch of Democracy, etc. He married Mary, daughter of Robert Robinson, and grand daughter of David Gavine, of Langton Park, Berwickshire, and had two daughters, Catharine, a pianist of some celebrity, and Elizabeth, a harpist and composer of great talent.

The Rev Thomas Bisset married, secondly, in April, 1767, Mary (died 1785), daughter of Rev. Thomas Tullideph, D. D , Professor of Divinity in St. Andrew's University; Principal of the University 1739-77;; Moderator of the General Assembly of the Kirk of Scotland in 1742; one of the Royal Chaplains in Scotland of George III, 1761-77 (son of Rev. John Tullideph, Minister of Drumbarnie, 1691-1714, by Jean, daughter of Rev John Knox, Minister of North Leith, and grandson of William Tullideph, Principal St. Leonard's College, St. Andrews, Fife, 1691-95). The Rev. Thomas Bisset had by his second wife (2) Thomas, born Mar. 1, 1768, drowned at Perth; (3) John Bisset, born 22 May, 1769, died Dec. 1783; (4) Adam Bisset, born August, 1770; a wine merchant in Leith (Somerville & Co.); had among others: —Alexander Bisset, married his cousin, Frances Thom; James Somerville Bisset, of Spring Gardens, Jamaica, died 1826; Ellen Bisset, who, by her marriage with Captain Robert Stewart McGregor, Portobello, near Edinburgh, had Major Robert Stewart McGregor, 50th Regt., died 1885 at Portsmouth. (5) Alison Bisset, born Dec. 1771. (6) Eliza Bisset, born May 1773, married to Andrew Thom, Brechin, and had a son Adam Thom. (7) Anne, born Oct 1774. (8) Margaret Bisset, born July, 1776, died April, 1779. (9) Jean Bisset, born June 1778, died Mar. 1893. (10) David Bisset, born Dec. 1779. died Nov. 1, 1780. (11) Charles Bisset, born July, 1781. (12) Thomson Bisset, of Leith, born March, 1783, married in 1812, daughter of Dr. Young, Hull.

2. Henry Bisset, died at sea.

3. Margaret Bisset, married — Thomson. Their daughter, Janet Thomson, was married to Peter Anderson, pioneer in opening up the Highlands, ad-

mitted a procurator in Inverness in 1796, and had, among others, John Anderson, a writer to the Signet, author of "Essay on the State of Society and Knowledge in the Highlands," and of "A History of the Family of Fraser," and Peter Anderson, compiler of the well known series of "Guides to the Highlands, (father of Peter John Anderson, Librarian of the University of Aberdeen, and Sec. New Spalding Club; and of Isabel H. Anderson, author of "An Inverness Lawyer and His Sons."

4. Isabel Bisset, married -- Scott, of Bogmill.

5. Elizabeth, married to — Young, a farmer in Perthshire.

Andrew Thom, Brechin, had:—

I.—Adam Thom, A. M. King's College, Aberdeen, Honorary LL D., 1853, Judge of Rupert's Land, B. N. A., 1839-55. Born at Brechin, 31 August, 1802; married first, Isobel, daughter of George Bisset* A. M., Rector of Udny Academy, Aberdeenshire, and sister of Rev. James Bisset, D. D., Minister of Bourtie, Aberdeenshire, and Moderator of the General Assembly of the Kirk of Scotland in 1862; Secondly, in 1839, Miss Anne Blachford (died Jan. 23, 1876) and had by her an only son, Adam Bisset Thom, born at Fort Garry, Winnipeg, Manitoba, Aug. 2, 1843, educated at the Edinburgh University; author of "Elocution, Voice and Gesture," (16th Thousand: Marcus Ward & Co., London), and compiler and editor of "Garry's Elocutionist," (12th Thousand: Marcus Ward & Co., London), Churchwarden of Trinity Church, Galt, Ont., Canada, 1891-1895; Lay Delegate for Trinity Church, Aylmer, Ont., to the Synod of Huron; elected in 1900, a member of the Canadian Society of Authors. Married, 14 July, 1896, Jessie Monro Howard, daughter of the late Richard Howard, Niagara, and has:— Howard Bisset Thom, born 14 May, 1897, and Dorothy Anne Bisset Thom, born 23 Sept. 1898.

II. Frances Thom married her cousin, Alexander Bisset, shipmaster, Leith.

III. Alison Thom, born 1801, died 1879, married to H. Cant.

IV. John Tullideph Thom, died in Cleveland, Ohio, U. S. A., in 1849, married to Amelia, granddaughter of Henri Le Page, a Huguenot emigre.

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* George Bisset, Rector of Udny Academy, married Mary Anderson, Strichen, and had among others:—

1. John, M.D., Newburgh, Sussex, d. s. p.

2. James, Minister of Bourtie; v. i.

3. Thomas, LL.D., Cantab, Vicar of Pontefract, Yorkshire; d. s. p.

4. Charles, B. D., Cantab, Vicar of Upholland, Lancashire.

5. William, Colonel Madras army.

6. Udny, d. s. p.

7. Mary, married to Mr. William Rose, Auchterless; afterwards of Huntingdon, Canada, (father of late Sir John Rose, Bt., G. C. M. G.)

8. Margaret, married to Sir Arthuur Nicolson, ninth Bart.

9. Isobel, first wife of Adam Thom.

George Bisset died in 1812, and was succeeded in the parish school and academy by his son, James Bisset. He was well trained by his father, and entering Marischal College, Aberdeen, took his degree at the early age then common for graduates. He was not quite seventeen when, at his father's death, he took the responsibility of so large an establishment; but he was greatly aided by his widowed mother and oldest sister. He must have appeared a little older than this. There is a good anecdote told of Mr. Bisset. When the mother of (her afterwards famous son) James Outram came to place him under his care, she was struck with his youthful appearance and said he was a very young man to have the charge of so large an establishment, he could not be above twenty-five years of age. "I did not tell her," said Mr. Bisset, "that I was not quite out seventeen !" But though young, he was a thoughtful youth, and had the energy of more advanced years. He was the stay of his widowed mother, and proved himself more than a father to all his brothers and sisters, whom he carefully brought up and educated, and placed them in positions of life, which under Providence, they entirely owed to him. Under Mr. Bisset's care the Academy flourished, and its fame attracted, as has been already mentioned, a large number of boarders and scholars. He kept always a very efficient staff of teachers, among whom, besides Dr Thom, already mentioned, were James Melvin, afterwards LL D. and Rector of the Grammar School, Aberdeen, and his brother George, head-master of Gordon's Hospital, and afterwards schoolmaster at Tarves, who began their early labors at Udny. Like all schoolmasters of that period, Mr. Bisset studied for the ministry of the Church of Scotland, studying partly in Edinburgh, and in 1826 he became minister of the small parish of Bourtie in Aberdeenshire. The small amount of duty needed by the parish gave him leisure to continue his studies, which however, he only utilised for the education of his children. He took great interest in public affairs, became an ardent politician, civil and ecclesiastical, on the constitutional side. He was very zealous in every cause he espoused, indeed, the force of character which enabled him, at so early an age at his father's death, to undertake so serious responsibilities, never forsook him. He was instant in season and out of season. He was a prominent figure in the Church courts during the prolonged struggle, that ended in the secession of those who formed themselves into the Free Church of Scotland. In 1850, his University of Marischal College conferred on him the degree of D.D,, and in 1862, he was chosen Moderator of the General Assembly, the highest ecclesiastical position in Scotland. —"*The Thanage of Fermartyn*," *by Rev. Wm. Temple, M. A.*